

LEND-LEASE ¹

*Agreement and exchange of notes signed at Guatemala November 16,
1942*

Entered into force November 16, 1942

1942 For. Rel.(VI) 444

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF THE REPUBLIC OF GUATEMALA ON THE PRINCIPLES APPLYING TO MUTUAL AID IN THE PROSECUTION OF THE WAR AGAINST AGGRESSION

WHEREAS the Governments of the United States of America and the Republic of Guatemala declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the basis of a just and enduring world peace securing order under law to themselves and all nations;

AND WHEREAS the Governments of the United States of America and the Republic of Guatemala, as signatories of the Declaration by United Nations of January 1, 1942,² have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941³ by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter;

AND WHEREAS in conformity with the Declaration of Lima of December 24, 1938⁴ and Declaration XV approved July 30, 1940⁵ at the Second Meeting of the Ministers of Foreign Affairs of the American Republics held at Habana, and in harmony with the spirit and purpose of the Third Meeting of the Ministers of Foreign Affairs of the American Republics held at Rio de Janeiro, the Governments of the United States of America and the Republic of Guatemala have determined to cooperate further in the defense of the security and integrity of all the American Republics against acts of aggression directed against any of them;

¹ Final settlement made Sept. 30, 1946, and reported in 45th Report to Congress on Lend-Lease Operations, p. 15.

² EAS 236, *ante*, vol. 3, p. 697.

³ EAS 236, *ante*, vol. 3, p. 686.

⁴ *Ante*, vol. 3, p. 534.

⁵ For text, see *Department of State Bulletin*, Aug. 24, 1940, p. 136.

AND WHEREAS the President of the United States of America, pursuant to the Act of the Congress of the United States of America on March 11, 1941,⁶ and the President of the Republic of Guatemala, in accordance with paragraph 19 of Article 77 of the Constitution of the Republic, have determined that the defense of each of the American Republics is vital to the defense of all of them;

AND WHEREAS the United States of America and the Republic of Guatemala are mutually desirous of concluding an Agreement for the providing of defense articles and defense information by either country to the other country, and the making of such an Agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an Agreement in conformity with the laws either of the United States of America or of the Republic of Guatemala have been performed, fulfilled or executed as required;

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

ARTICLE I

The Government of the United States of America will supply the Government of the Republic of Guatemala with such defense articles, defense services, and defense information as the President of the United States of America shall authorize to be transferred or provided.

ARTICLE II

Should circumstances arise in which the United States of America in its own defense or in the defense of the Americas shall require defense articles or defense information which the Republic of Guatemala is in a position to supply, the Government of the Republic of Guatemala will make such defense articles and defense information available to the United States of America, to the extent possible without harm to its economy and under terms to be agreed upon.

ARTICLE III

The Government of the Republic of Guatemala undertakes that it will not, without the consent of the President of the United States of America, transfer title to, or possession of, any defense article or defense information received under this Agreement, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Republic of Guatemala.

Similarly, the Government of the United States of America undertakes that it will not, without the consent of the President of the Republic of Guatemala, transfer title to or possession of any defense article or defense

⁶ 55 Stat. 31.

information received in accordance with Article II of this Agreement, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the United States of America.

ARTICLE IV

If, as a result of the transfer to the Government of the Republic of Guatemala of any defense article or defense information, it is necessary for that Government to take any action or make any payment in order fully to protect any of the rights of any citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the Republic of Guatemala will take such action or make such payment, when requested to do so by the President of the United States of America.

Similarly, if, as a result of the transfer to the Government of the United States of America of any defense article or defense information, it is necessary for that Government to take any action or make any payment in order fully to protect any of the rights of any citizen of the Republic of Guatemala who has patent rights in and to any such defense article or information, the Government of the United States of America will when requested to do so by the President of the Republic of Guatemala take such action or make such payment.

ARTICLE V

The terms and conditions upon which each government receives the aid provided under this Agreement by the other shall not burden commerce between the two countries, but shall promote mutually advantageous economic relations between them and the betterment of world wide economic relations. To that end, the two governments will make provision for agreed action by the United States of America and the Republic of Guatemala open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded governments.

Certain terms and conditions upon which each Government receives certain specified items provided under the Agreement by the other are set forth in the attached exchange of notes, which is an integral part of this Agreement.

ARTICLE VI

This Agreement shall continue in force from the date on which it is signed until a date agreed upon between the two Governments.

Signed and sealed at Guatemala, in duplicate, in the English and Spanish languages, this sixteenth day of November, 1942.

FAY ALLEN DESPORTES	[SEAL]
CARLOS SALAZAR	[SEAL]

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF GUATEMALA
Diplomatic Section
No. 14606

032 (73-0)

GUATEMALA, November 16, 1942

EXCELLENCY:

I have the honor to refer to the conversations between the representatives of the Governments of the Republic of Guatemala and the United States of America, in connection with the Agreement on the Principles Applying to Mutual Aid in the Prosecution of the War against Aggression, signed this day.

The conversations referred to have disclosed a mutual understanding on the part of the Governments of the Republic of Guatemala and the United States of America, with respect to the application of the provisions of the Agreement, as follows:

1. The Government of the United States will endeavor, subject to unforeseen contingencies and within the limits imposed upon it by other military demands, to transfer to the Government of Guatemala during the present emergency armaments and munitions of war, of types to be agreed upon by the two governments, to a total scheduled cost of about \$5,000,000.

2. The Government of Guatemala agrees to permit the use by armed forces of the United States of America of the zones of Guatemalan territory expressly provided in the Memorandum of Agreement attached hereto.

3. The concessions granted by the Government of Guatemala to the Government of the United States of America pursuant to Paragraph 2 above are valued at, and shall be credited exclusively for the purpose of the present agreement to the value of \$3,000,000 against the cost of armaments and munitions of war transferred to the Government of Guatemala under the provisions of Paragraph 1 above to a total scheduled cost of \$5,000,000. In excess of the scheduled value of \$3,000,000 up to a total scheduled value of \$5,000,000, the Government of the United States of America agrees to accord to the Government of the Republic of Guatemala a reduction of 40% in the scheduled cost of the materials delivered in compliance with the stipulations of the present agreement; and the Government of the Republic of Guatemala promises to pay in dollars into the Treasury of the United States of America 60% of the scheduled cost of the materials delivered. The Republic of Guatemala shall not be required to pay

more than a total of \$ 200,000 before January 1, 1944,
more than a total of \$ 400,000 before January 1, 1945,
more than a total of \$ 600,000 before January 1, 1946,
more than a total of \$ 800,000 before January 1, 1947,
more than a total of \$1,000,000 before January 1, 1948,
more than a total of \$1,200,000 before January 1, 1949.

In respect of armaments and munitions of war transferred to the Government of Guatemala pursuant to Paragraph 1 above, in excess of a scheduled value of \$3,000,000 and up to a scheduled value of \$5,000,000 the Government of Guatemala may return to the United States of America at the end of the present emergency as determined by the President of the United States of America such defense articles which shall have been transferred under this Agreement which are of use to the United States, which shall be determined by the President of the United States of America in consultation with the President of the Republic of Guatemala, and upon the return of such defense articles to the United States the Republic of Guatemala shall be credited for any sums paid or which it is obligated to pay for such defense articles under the terms of this Agreement.

4. All of the works carried out on Guatemalan territory on the initiative and at the cost of the Government of the United States of America, pursuant to the provisions of the Memorandum of Agreement attached hereto, shall, upon the termination of that agreement, become the exclusive property of the Government of Guatemala, with the exception of the organic armament and equipment of the United States forces, the clothing of the troops, the manual instruments, and everything that constitutes the equipment of such forces.

I should appreciate being informed by Your Excellency whether this understanding is correct.

Accept, Excellency, the renewed assurances of my high consideration.

CARLOS SALAZAR

His Excellency

FAY ALLEN DESPORTES,

*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America,
City.*

The American Minister to the Minister of Foreign Affairs

No. 337

GUATEMALA, November 16, 1942

EXCELLENCY:

I have the honor to acknowledge receipt of Your Excellency's Note of November 16, 1942 referring to the conversations between the representatives of the Governments of the United States of America and of the representatives of Guatemala in connection with the Agreement on the Principles Applying to Mutual Aid in the Prosecution of the War against Aggression signed this day.

The conversations referred to have disclosed a mutual understanding on the part of the Governments of the United States of America and of the Republic of Guatemala with respect to the application of the provisions of the Agreement, as follows:

[For text of understanding, see numbered paragraphs in Guatemalan note, above.]

I am glad to inform Your Excellency that the foregoing statement of understanding which has been reached in the negotiations is acceptable to my Government and that it therefore considers the understanding to be in effect as of this date.

Please accept, Excellency, the assurances of my highest consideration.

FAY ALLEN DESPORTES

His Excellency

Licenciado don CARLOS SALAZAR

*Minister of Foreign Affairs,
Guatemala.*